

United States District Court
District of South Dakota
Southern Division

Shane Douglas Bell,
Plaintiff Pro se,

Vs.

Darin Young et al,
Defendants

(Civ. 16 - 4046

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(Affidavit of

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(Joseph Ronald Smalls Sr.

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I, Joseph R. Smalls Sr., declare under the penalty of Perjury that the following statements are true and correct to the best of My Knowledge:

#1.) I am a Prisoner incarcerated at the Jameson Prison Annex of South Dakota State Penitentiary, (SDSP), and I am currently being housed on B-Floor, cell #71 with Shane D. Bell (Plaintiff), for whom with I have lived with for the last three (3) Months, and continue to live.

#2.) In the time I have lived with Shane D. Bell in cell #71 I have witnessed multiple SDSP/D.O.C. Employees and Staff treat Shane D. Bell in an unprofessional, discriminative, vindictive, and retaliatory manner. My following Testimony shall express and convey why I believe this to be true.

#3.) It is Common Knowledge among both Inmate Population and D.O.C. Employees and Staff that Shane D. Bell has filed a Civil Rights Lawsuit against Department of Corrections of South Dakota State, as it is spoken about openly by Employees of D.O.C. and Inmates alike, frequently. I have personally heard conversations between Correctional Officers and Orderly Inmates with such dialogue, slandering My Cell-mate, Shane D. Bell.

#4.) I cannot recall the specific date exactly, but most recently, in the second week of January, 2020, in the evening during the 9:45 PM Count-Time, I heard and witnessed Correctional Officer Swenson call Shane D. Bell an "Ass-hole". The Officer-in-Training, (who was accompanying Correctional Officer Swenson) was the person to whom C.O. Swenson was describing My Co-habitant, when she stated; "Oh, He's an Ass-hole!", while conducting their Count of Inmates. This is on Security Camera Footage of these two (2) Female Officers stopping at cell #71 during 9:45_{PM} Count.

#5.) D.O.C. Employees and Staff who currently work or have previously worked on B-Floor, (where Shane D. Bell lives), treat Shane D. Bell vindictively, and differently from others, for example;

- a.) Allowing other Orderly Inmates to work while keeping Shane D. Bell locked-in during work hours. (Shane D. Bell is an Orderly Worker).
- b.) Disallowing Him a "Worker's Shower" while allowing other Inmates to. (Being allowed to Shower on the Unit is one of the benefits provided "Worker-Inmates")
- c.) Releasing Other Inmates for Buddhist Group, and telling Shane D. Bell He's "not on the list" to go, as is common knowledge that He is the Head-Facilitator of this Spiritual/Religious Group.

#6.) I have witnessed on multiple occasions Shane D. Bell make reasonable requests to the Unit Coordinator Eckren for such forms and documents as Informal Resolution Requests, Administrative Remedy Requests, and Grievance Forms and be told by Mr. Eckren; "Not Now!", "Maybe later", "Kite Me about it.", or just ignore Shane D. Bell and walk away. Per Policy it is Unit Coordinator Eckren's obligation and responsibility to produce and supply these forms upon request for resolve and remedy purposes. Unit Coordinator Eckren frequently neglects His duties, such as these examples.

#7.) I was in My cell, (B-#71) with Shane D. Bell, on Monday, January 27th, 2020, when I witnessed Unit Coordinator Eckren issue Sanctions on Shane D. Bell for a "write-up" He was NOT SERVED, (as is a Policy requirement), and didn't allow Shane D. Bell to make a statement, as is in direct Violation of Prison Policy. Shane had then asked for a Grievance Form, and Unit Coordinator Eckren replied; "I've moved-on already, I'm Literally in the middle of another write-up!", and Ignored Shane D. Bells request for Remedy/Grievance Request.

#8.) Shane D. Bell was issued Six (6) Days Cell Restriction. This means Shane D. Bell will not be permitted to use the phone, attend Recreation, or attend the Jameson Buddhist Group, which Shane D. Bell Facilitates and Teaches regularly, twice a week.

#9.) I was reluctant to come forward and make these Factually Based Statements for fear of Retaliation from D.O.C. Employees and Staff, as I can see what Shane D. Bell apparently must endure. However, I believe in Truth, Fairness, and Taking Accountability. I also take solace in the fact that My Sentence will be concluded shortly. 3.

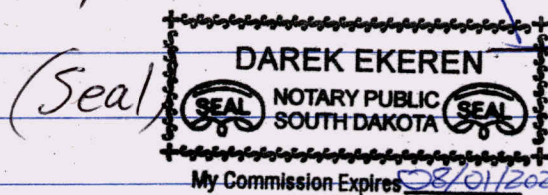
#10.) I believe Unit Case Manager LaBree, and Unit Manager Seth Hughes are treating Me in a peculiar and negative manner already, due to the fact that I am currently housed with the plaintiff, Shane D. Bell. The above named Staff are adamant about changing My Current Housing Assignment, even after I informed them that such a transfer from My Current Assignment will be hazardous to My Safety and Well-being. I requested to finish My Sentence (30 days) at My Current Housing Assignment, as a move/Transfer to a different Location/unit may result in Violent acts towards Me from Gang-members, as has happened before at the Units that Unit Case Manager LaBree told Me I will be sent to. Dis-regarding My expressed request to remain here at Jameson Annex, B-Floor, cell #71, and regardless of Past Circumstantial Evidence, Unit Case Manager LaBree insists upon the un-necessary transfer of My Person to potentially Hazardous Facilities because of My association with plaintiff, Shane D. Bell.

#11.) I am making these statements of My Own Free Will. I have nothing to gain, nor have I been coerced by any person to come forward and state facts. May the Truth Prevail, and Justice Persevere.

x ~~Joseph R. Smalls Sr.~~

Joseph Ronald Smalls Sr.

Subscribed and Sworn to before Me this 30th day of January, 2020



Notary Public of - South Dakota

My Commission expires; 08/01/2025